

**PLANNING BOARD
BOROUGH OF DEMAREST**

MINUTES

REGULAR MEETING

August 3rd, 2022 7:30 PM

Chair Hayden opened the meeting at 7:30 pm with the following announcement:

Public Announcement of Meeting: The notice requirements of the Open Public Meetings Act of the State of New Jersey have been satisfied by the inclusion of the date, time, and place of this public hearing meeting in the annual schedule and notice of regular meetings of this Board. Such annual schedule and notice of regular meetings are posted at the Borough Hall, was mailed to The Newark Star-Ledger and The Record, and was filed with the Borough Clerk of Demarest on December 8, 2021.

Roll Call

Councilmember Fox-Present
Vice Chair Keane-Present
Mr. Tabacchi-Present
Mr. Rifkind-Present
Mrs. Paster-Present
Mr. Alevrontas-Present

Mr. Verp-Present
Mayor Schooler-Present
Mayor Iannuzzi-Present
Chair Hayden-Present
Mr. Parlamis-Absent

Professional Staff Present:

Mr. Douglas Bern, Board attorney
Ms. Darlene Green, Board Planner
Ms. Susan Crosman, Board Secretary

Salute to the Flag

Hearing: Adoption of: THE 2022 MASTER PLAN & DEVELOPMENT REGULATIONS RE-EXAMINATION REPORT TO THE BOROUGH OF DEMAREST MASTER PLAN

Prior to the start of the Hearing on the 2022 Master Plan & Development Regulations Re-examination report Mr. Tabacchi asked the Board's Planner, Ms. Green, if the application from 95 County Road was the result of a Builder's Remedy lawsuit.

Ms. Green responded:

The Settlement Agreement with 95 County Road was not the result of a Builder's Remedy lawsuit, the owners of the property intervened in our (Affordable Housing) litigation. The result was a negotiated settlement. When a town filed a Declaratory Judgement action, there was a window when either an owner of the property or a contract purchaser could file as an intervener. In a Builder's Remedy lawsuit, the Borough would have been in court having an actual hearing or trial. The developer/person bringing the lawsuit would have said Demarest is not in compliance with their obligation to provide for Affordable Housing.

The Borough went through a process of adopting a housing plan, adopting the all-necessary ordinances, then went back to court and asked for a Final Judgment of Repose and Compliance

(Immunity), which we received, and have until July 2025, at which point the whole process will begin again.

The Board attorney confirmed with the Board Secretary that the hearing for the Reexamination Report was properly noticed and published according to Municipal Land Use Law requirements for this type of hearing.

Ms. Green was then sworn in by the Board's Attorney and gave her credentials, identifying herself as the Board's Planner and the Municipality's Planner; and that she is a licensed professional Planner in the state of New Jersey, and her license is current.

Ms. Green gave the following testimony regarding the 2022 Master Plan & Development Regulations Reexamination (hereinafter "2022 Reexamination") beginning with a brief review of previous (Borough of Demarest) Master Plan and Reexamination Reports:

The last (and first) comprehensive Master Plan for Demarest was done in 1959 (63 years ago).

There is a document entitled "Borough of Demarest Master Plan June 1983", but on closer examination that report was an "updating" of the Borough's Master Plan to meet the requirements of New Jersey's Municipal Land Use Law (MLUL) which at the time called for the periodic reexamination of master plans and development regulations at least every six years.

Reexaminations were also done in 2003 & 2010.

It was noted that state regulations have since changed and Master Plans and Reexamination Reports are now required to be performed at least every 10 years.

The Reexamination document is required to cover six different topics or chapters under MLUL.

The sixth chapter, deals with electric charging and is the newest to be added as a requirement under MLUL. But because of new legislation much of this Chapter is not relevant.

The 2022 Reexamination report "conforms with the requirements of the MLUL and addresses the requirements of N.J.S.A. 40:55-89"¹

1. The first section of the 2022 Reexamination report; 'Problems & Objectives Related to the 2010 Reexamination', examines the major problems and objectives outlined in the 2010 Reexamination. Only one issue was identified:
The Planning Board recommended the zoning ordinance contain a control on maximum improved lot coverage to take the place of or supplement permitted maximum impervious coverage.
2. The second section of the 2022 Reexamination; 'Extent That Problems & Objectives Have Changed Since 2010', addresses the extent to which such problems have been reduced, eliminated, or increased.
This issue was addressed on June 22, 2015, when the Mayor & Town Council adopted Ordinance #1025-15, which amended multiple sections of the Zoning Ordinance, Chapter 175. (Including maximum improved lot coverage) The Borough further addressed this issue in 2020 with Ordinance #1083-20. (Percentage for principal residence use and all vehicle parking areas)
3. The third section of the report; 'Extent of Changes in Policies & Objectives Forming The Basis of The 2010 Reexamination Report', deals with changes that have occurred that

would impact the policies and objectives that form the basis of the Master Plan and the zoning ordinance.

Included in this section are demographic changes; population trends, a table on housing occupancy, household size as well as income characteristics where we look at Demarest versus the county versus the state.

The last piece of demographic information is land use. This is land use based on number of parcels in the town and their total value in Demarest. 'Local Redevelopment and Housing Law Changes' and 'Affordable Housing' can be found in this section. This information is on Pages 6-22 of the 2022 Reexamination.

4. Section four; 'Changes Recommended For The Master Plan Or Development Regulations,' is the main section of the 2022 Reexamination. The purpose of a Master Plan Reexamination report is changes recommended for the future. This is covered on page 23-33. This section will form a 'to-do list or laundry list' of what should be done over the next 10 years either to the Master Plan or the Zoning Ordinance.

Current and proposed goals were reviewed and suggestions added, and then grouped by category: Land Use, Housing, Transportation, Parks and Open Spaces, Environment.

For example, a new goal under Land Use (page 24) is "Encourage redevelopment and investment within the downtown redevelopment plan area." At the time of the last Reexamination report, 2010, the Borough did not have the rehabilitation/redevelopment designation.

A category for 'Housing' was also created. Demarest, like many Bergen County towns is experiencing a type of redevelopment phase in terms of the housing stock. The Borough has a unique character when you drive through the tree line streets and grass lawns. The purpose was to preserve the character of residential neighborhoods by ensuring new development does not create a substantial detriment to the zoning plan.

New objectives were added to the transportation and the open space goals. Also added is a goal in the environment category about preventing further or repeat water damage caused by weather events. (Page 25). This set of goals is meant to guide the Planning and Zoning Boards and the Borough with regards to land use and development in town.

Listed in this section are the various housing elements that have been prepared and adopted by the Borough since the early 2000's. (page 25)

Recommendations are suggested for Master Plan Elements that should be drafted and adopted over the next 10 years: Open Space & Recreation Plan Element & a Circulation Plan Element.

Pages 26-33 lists various 'inconsistencies between sections, outdated terms, missing definitions', (page 30); many of these can easily be corrected and or updated.

Additional & General recommendations: (To Do List)

- Definitions review See page 30
- Zoning map needs to be added to the webpage with the appropriate Ordinance
- Zoning map (Zoning Chapter 175-2) needs to be updated by adding the Affordable Housing Zone and the Downtown Redevelopment Plan area
- The Borough should set a standard for trash enclosures in the downtown redevelopment area
- The sign ordinance and Lighting ordinance should be updated and expanded See page 28 & 29

- The Borough should consider requiring all Land Use applications to submit a digital copy of the entire application in addition to the physical copies.
- Golf Course District needs clarification on a few points. See page 28 & 30
- Transition areas in the CB-1 District: screening considerations See page 28
- Off-street parking review See page 29 & 30
- New Technologies: Solar: it is recommended that Chapter 175 be amended to permit solar panels on roofs as of right.
- Digital signs: Chapter 175 does not mention digital signs. The preference to permit or not permit should be made clear
- Permitted Uses in Residence District: see page 27 for suggested updates and amendments. One recommendation is to provide a list of permitted accessory uses in Single-Family Residence A-D Districts
- Conditional Uses: page 27 Three updates recommended
- Permitted Uses: page 28: Chapter 175-14: Five recommendations relating to: food establishments, child care, exercise & other instructional uses, permitted accessory uses, and gas stations.

It was noted the zoning ordinance is codified and electronic making it easy to use.

5. Recommendations Concerning Redevelopment Plans: There are no recommended changes to the development regulations. (Downtown Redevelopment Plan, adopted July 25th, 2021.)
6. Public Electric Vehicle Infrastructure: As mentioned earlier, the state legislature has decided EV charging equipment to be a permitted accessory use in every town across the state of New Jersey. Therefore, the Borough does not need to adopt an ordinance because state has already decided what is permitted regardless of local zoning ordinances.

Open to Public for questions on the testimony given by the Borough Planner

No members of the public were present

Open to Public for General Comments

No members of the public were present

Closing comments and recommendations:

Ms. Green recommended a one-page amendment to the Master Plan, to be prepared by the Board Attorney, with the goals that are listed in the 2022 Reexamination. The purpose is to avoid potential challenges as to the validity of the goals; Reexamination reports contain recommendations whereas a Master Plan states the official goals of the Municipality.

The Board Attorney explained the process for incorporating the goals into the Master Plan: there is a process of notification similar to that required for Reexaminations, but a bit more extensive.

Motion: To Adopt: the 2022 Master Plan & Development Regulations Re-examination Report to the Borough of Demarest Master Plan

Motion: Mr. Verp

Second: Mayor Schooler

Vote: To approve Adopting the 2022 Master Plan & Development Regulations Re-examination Report to the Borough of Demarest Master Plan

YES: Mayor Iannuzzi, Councilmember Fox, Vice Chair Keane, Mr. Tabacchi, Mr. Rifkind, Mrs. Paster, Mr. Alevrontas, Mayor Schooler, Mr. Verp, Chair Hayden

NO:

ABSENT: Mr. Parlamis

Approved: THE 2022 MASTER PLAN & DEVELOPMENT REGULATIONS RE-EXAMINATION REPORT TO THE BOROUGH OF DEMAREST MASTER PLAN

Motion to Adjourn the meeting:

Motion: Councilmember Fox

Second: Mayor Schooler

All in favor

Meeting adjourned at 8:55PM

Respectfully submitted,

Marian Hayden

Marian Hayden

Chairperson

Borough of Demarest Planning Board

¹ 2022 Master Plan & Development Regulations Reexamination, May 16th 2022
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